

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

<b>DONYEIL J. McINTOSH,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CIV-04-229-RAW</b>
	)	
<b>JUSTIN JONES,</b>	)	
	)	
<b>Respondent.</b>	)	

**ORDER**


On August 21, 2007, Magistrate Judge West filed a Report and Recommendation, recommending that this action (commenced by petitioner's filing of a petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254) be dismissed on the basis that petitioner had failed to demonstrate he was entitled to habeas relief. Petitioner has timely filed an objection. The Court has conducted the de novo review required by 28 U.S.C. §636(b) of "those portions of the report or specified findings or recommendations to which objection is made." Upon review, the recommendation of the Magistrate Judge will be followed.

It is the Order of the Court that the Report and Recommendation of the United States Magistrate Judge is hereby adopted and affirmed. Petitioner's petition pursuant to 28 U.S.C. §2254 is hereby DISMISSED.

**ORDERED THIS 25<sup>th</sup> DAY OF SEPTEMBER, 2007.**

**Dated this 25<sup>th</sup> Day of September 2007.**

J4h4i0

  
Ronald A. White  
United States District Judge  
Eastern District of Oklahoma